

UNITED STATES DISTRICT COURT  
DISTRICT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

Stan Roberson, CEO Jilapuhn Inc. d/b/a  
Her Majesty's Credit Union and Members,

Plaintiffs,

VS.

Michael Nelson, Counsel and the Federal Reserve Bank of New York,

Defendants.

**VERIFIED ANSWER AND  
AFFIRMATIVE DEFENSES**

CIVIL NO. 08-156  
(CVG) (GWB)

**VERIFIED ANSWER**

Defendants, MICHAEL NELSON and the FEDERAL RESERVE BANK OF NEW YORK, by their undersigned counsel, answer Plaintiffs' Complaint and assert affirmative defenses as follows:

1. Deny each and every allegation contained in Paragraph “I” of the Complaint, except admit that defendants did not state that HMCU is eligible for a Federal Reserve Bank Account in New York.
2. Deny each and every allegation contained in Paragraph “II” of the Complaint, except that Defendants’ lack information sufficient to form a belief as to the truth or falsity of the statement that Her Majesty’s Credit Union has received a license number from the Government of the Virgin Islands Department of Licensing and Consumer Affairs Licensing Division.
3. Admit that Accuity is the registrar of routing numbers for the American Bankers Association (“ABA”), and is responsible for the assignment of routing numbers in accordance with the ABA’s Routing Number Administrative Board Routing Number

Policy. Defendants further admit that Accuity contacted an Officer of the Federal Reserve Bank of New York and inquired as to HMCU's eligibility for a routing number. Defendants deny each and every remaining allegation of Paragraph "III" of the Complaint.

4. Deny each and every allegation contained in Paragraph "IV" of the Complaint, except for those allegations that state legal conclusions as to which no answer is required.

5. Deny each and every allegation contained in Paragraph "V" of the Complaint, except for those allegations that state legal conclusions as to which no answer is required.

6. Deny each and every allegation contained in Paragraph "VI" of the Complaint, except for those allegations that state legal conclusions as to which no answer is required.

#### **FIRST AFFIRMATIVE DEFENSE**

7. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

8. The Court lacks personal jurisdiction over defendant Michael Nelson.

#### **THIRD AFFIRMATIVE DEFENSE**

9. Upon information and belief, plaintiff Stan Roberson is not a licensed attorney and is therefore barred, pursuant to 28 U.S.C. § 1654, V.I. Code Ann. tit. 4, § 443 (a), and LRCi 83.1, from asserting legal claims on behalf of the corporate entity Jilaphun Inc. d/b/a Her Majesty's Credit Union.

#### **FOURTH AFFIRMATIVE DEFENSE**

10. At all times, Defendants complied with all applicable laws, regulations and standards.

**FIFTH AFFIRMATIVE DEFENSE**

11. Plaintiff's damages, if any, are the result of the acts or omissions of third parties for whose conduct Defendant is not responsible.

**SIXTH AFFIRMATIVE DEFENSE**

12. Plaintiff's claims are subject to dismissal for lack of process and service of process.

13. Defendants reserve the right to assert additional defenses, affirmative defenses, claims, counterclaims, cross-claims or causes of action that may arise through discovery in this action.

WHEREFORE, defendants seek judgment dismissing the Complaint in its entirety with prejudice and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

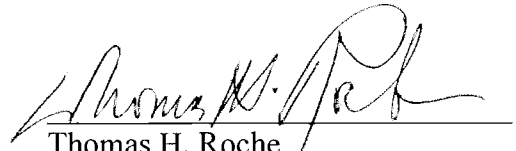
DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: January 9, 2009      By: s/ Justin K. Holcombe  
Justin K. Holcombe (V.I. Bar No. 957)  
Dudley, Topper and Feuerzeig, LLP  
1000 Frederiksberg Gade; P.O. Box 756  
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Email: jholcombe@dtflaw.com

*Attorneys for Defendants*

**VERIFICATION BY CORPORATION**

THOMAS H. ROCHE, being duly sworn, deposes and says that he is an officer of defendant FEDERAL RESERVE BANK OF NEW YORK; and that the foregoing Answer and Affirmative Defenses are true to his own knowledge, except as to those matters therein which state to be alleged on information and belief, and as to those matters he believes them to be true.

  
Thomas H. Roche  
Deputy General Counsel and Senior  
Vice President  
Federal Reserve Bank of New York

Sworn before me this

8<sup>th</sup> day of January, 2009

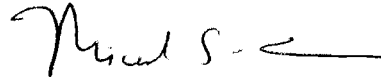
  
NOTARY PUBLIC

Carmen Sanchez  
Notary Public, State of New York  
No. 01SA6126897  
Qualified in Queens County  
Term Expires May 16, 2009

**VERIFICATION OF DEFENDANT MICHAEL NELSON**

MICHAEL S. NELSON, being duly sworn, deposes and says:

I am a defendant in the action herein; I have read the annexed Answer and Affirmative Defenses and know the contents thereof to be true to my knowledge, except as to those matters therein which state to be alleged on information and belief, and as to those matters I believe them to be true.



Michael S. Nelson  
Counsel  
Federal Reserve Bank of New York

Sworn before me this

8<sup>th</sup> day of January, 2009

  
NOTARY PUBLIC

**Carmen Sanchez**  
Notary Public, State of New York  
No. 01SA6126897  
Qualified in Queens County  
Term Expires May 16, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 9, 2009, I mailed the foregoing **ANSWER** by U.S. mail to the following non-filer user:

Stan Roberson, CEO Jilapuhn Inc. d/b/a  
Her Majesty's Credit Union and Members  
1201 5 E 46" Ave Ste 420  
Denver, CO 80239

Jilapuhn Inc. d/b/a Her Majesty's Credit Union  
c/o Stan Roberson, CEO  
4611 Tutu Park  
Charlotte Amalie  
St. Thomas, VI 00802

s/ Justin K. Holcombe